IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG.) NO. 267 OF 2006.

Ambadas Dagadu Kirtane. ... Petitioner
Versus.
Chief Secretary of Government of
Maharashtra and others. ... Respondents.

Shri Ranjeet V.Sangle for the Petitioner.

Shri A.A.Kumbhakoni, Associate Advocate General with
Ms.Geeta Shastri, A.G.P. for Respondent No.1.

Shri Neelesh Pawaskar with Ms.Aparna Vathkar for
Respondent No.6.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 24th FEBRUARY, 2006.

P.C.:

1. Heard Shri Sangle in support of this petition. Shri Kumbhakoni, Associate Advocate General appears for Respondents Nos.1 to 5 and Shri Pawaskar for Respondent No.6. This petition is filed making a grievance that the Petitioner though retired has been evicted from his quarters allotted during the period of his service, without following due process of law. Thereafter that premises were sealed. Shri Kumbhakoni, learned Associate Advocate General has seen to it that nobody is inducted in the premises concerned. He accepts that due process of law ought to have been followed.

2. However, the Petitioner himself has now given an undertaking to this Court stating that all that he

requires is a period of six month and at the end of sixth month which we put it as at the end of August 2006, he will hand over the possession of his quarter to the concerned authorities of the State. Shri Sangle states that in view of this undertaking it will not be necessary for the Respondents to resort to any proceedings under the Public Premises Eviction Act for eviction which they may not initiate in the meanwhile. In the event the Petitioner fails to vacate the premises at the end of August 2006, it will be open to the Respondents to act on the basis of this undertaking and to take physical possession from the Petitioner or whoever found in the premises.

3. Shri Kumbhakoni makes a statement that in any case on or before 28th February 2006 the Petitioner will be permitted to enter the quarters which have been sealed by the Respondents. We add that whatever charges the Government has incurred while evicting the Petitioner from the premises will not be either recovered or deducted from any of the dues which are payable to the Petitioner.

4. The Petitioner has made a grievance against Respondent No.6 which is a T.V.Channel for telecasting his eviction from the premises. Prayer (f) of this petition in fact seeks compensation from Respondent No.6. Shri Pawaskar appearing for the Respondent No.6

states that whatever has been telecast include the statement of the Petitioner also. In any case we reserve liberty to the Petitioner if he so inclined to take appropriate steps against Respondent No.6.

5. In view of the fact that possession is being restored, the Petitioner does not insist on any other prayers which are against the Officers of the Respondents.

6. Petition stands disposed of with the above observations.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)